

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10548

John Derek Murphy

v.

Michael Thompson

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-28

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/12/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 1, 2007.

By: (



Sarah A. Thornton, Clerk of Court

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/1/07

D. Burckhard
Deputy Clerk, US Court of Appeals

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APF AL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10548-JLT
Internal Use Only**

Murphy v. Thompson
Assigned to: Judge Joseph L. Tauro
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 03/23/2005
Date Terminated: 06/28/2007
Jury Demand: None
Nature of Suit: 555 Habeas Corpus
(Prison Condition)
Jurisdiction: Federal Question

Petitioner

John Derek Murphy

represented by **Angela G. Lehman**
P.O. Box 1527
Somerville, MA 02144
617-625-0807
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Respondent

Michael Thompson
Superintendent, MCI Shirley

represented by **Maura D. McLaughlin**
Office of the Attorney General
Criminal Bureau, Appellate Division
One Ashburton Place, 18th Floor
Boston, MA 02108
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/23/2005	<u>1</u>	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 62958, filed by John Derek Murphy.(Abaid, Kim) (Entered: 03/25/2005)

03/23/2005	1	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein (Abaid, Kim) (Entered: 03/25/2005)
03/23/2005	2	MOTION for Leave to File Memorandum and Appendix in Support of Petition by John Derek Murphy.(Abaid, Kim) (Entered: 03/25/2005)
03/28/2005	3	Judge Joseph L. Tauro : ORDER entered. SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 22 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Abaid, Kim) (Entered: 03/28/2005)
03/30/2005		Return receipt received for mail sent to Michael A. Thompson Delivered March 29, 2005 (Abaid, Kim) (Entered: 03/30/2005)
04/05/2005		Return receipt received for mail sent to Pamela Hunt Delivered on March 29, 2005 (Abaid, Kim) (Entered: 04/05/2005)
04/08/2005	4	MOTION for Extension of Time to June 3, 2005 to Respond to Petition for Writ of Habeas Corpus by Michael Thompson.(Abaid, Kim) (Entered: 04/11/2005)
04/08/2005	5	MOTION for Leave to Dispense with the Conference Requirement of Local Rule 7.1 by Michael Thompson.(Abaid, Kim) (Entered: 04/11/2005)
04/11/2005	6	Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Judith G. Dein Referred for: Report and Recommendations(Abaid, Kim) (Entered: 04/11/2005)
04/12/2005	7	NOTICE by Michael Thompson of <i>Withdrawal of Motion for Leave to Dispense with Conference Requirement of Local Rule 7.1</i> (McLaughlin, Maura) (Entered: 04/12/2005)
04/12/2005		Motions terminated: <u>5</u> MOTION for Leave to Dispense with the Conference Requirement of Local Rule 7.1 filed by Michael Thompson,. See Document <u>7</u> Notice of Withdrawal of Motion. (Abaid, Kim) (Entered: 04/13/2005)
04/14/2005	8	NOTICE of Appearance by Angela G. Lehman on behalf of John Derek Murphy (Abaid, Kim) (Entered: 04/14/2005)
04/14/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>2</u> Motion for Leave to File Memorandum and Appendix in Support of Petition. The Petitioner's Memorandum and Appendix shall be filed by 5/20/05. (Dambrosio, Jolyne) (Entered: 04/14/2005)
04/14/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>4</u> Respondent's Motion for Extension of Time to Respond to Petition. The Response to the Petition shall be filed within thirty (30) days of the date Petitioner files his Memorandum and Appendix. (Dambrosio, Jolyne) (Entered: 04/14/2005)
04/15/2005	9	MOTION for Leave to Proceed in forma pauperis by John Derek Murphy.(Abaid, Kim) (Entered: 04/20/2005)

05/17/2005	<u>10</u>	Assented-To MOTION for Leave to File Memorandum in Support of Petition by June 23, 2005 by John Derek Murphy.(Abaid, Kim) (Entered: 05/19/2005)
05/20/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>10</u> Petitioner's Motion for Extension of Time. Petitioner's memorandum shall be filed by 6/23/05; Respondent's response shall be due 30 days after Petitioner's memorandum is filed. (Dambrosio, Jolyne) (Entered: 05/20/2005)
06/23/2005	<u>11</u>	MEMORANDUM OF LAW by John Derek Murphy in Support of <u>1</u> Petition for writ of habeas corpus (28:2254). (Attachments: # <u>1</u> Exhibit Part 1# <u>2</u> Exhibit Part 2)(Abaid, Kim) (Entered: 06/27/2005)
06/28/2005	<u>12</u>	ANSWER to Complaint by Michael Thompson.(Abaid, Kim) (Entered: 06/28/2005)
06/28/2005	<u>13</u>	Supplemental ANSWER to Complaint by Michael Thompson.(Abaid, Kim) (Entered: 06/28/2005)
06/29/2005	<u>14</u>	Judge Judith G. Dein : SCHEDULING ORDER entered. Respondent's opposing memorandum shall be filed by 8/31/05; Petitioner's reply shall be filed by 9/30/05.(Dambrosio, Jolyne) (Entered: 06/29/2005)
07/07/2005	<u>16</u>	NOTICE of Change of Address by Angela G. Lehman (Abaid, Kim) (Entered: 07/12/2005)
07/11/2005	<u>15</u>	Judge Judith G. Dein : ORDER entered denying as moot <u>9</u> Motion for Leave to Proceed in forma pauperis because \$5.00 filing fee was paid on March 21, 2005. (Morse, Barbara) (Entered: 07/11/2005)
09/01/2005	<u>17</u>	MEMORANDUM OF LAW by Michael Thompson. (McLaughlin, Maura) (Entered: 09/01/2005)
09/01/2005	<u>18</u>	Assented to MOTION Accept memorandum of law as timely filed re <u>17</u> Memorandum of Law by Michael Thompson.(McLaughlin, Maura) (Entered: 09/01/2005)
09/06/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>18</u> Respondent's Motion to Accept Memorandum as Timely Filed. (Dambrosio, Jolyne) (Entered: 09/07/2005)
09/30/2005	<u>19</u>	MOTION for Extension of Time to October 11, 2005 to File a Reply Memorandum by John Derek Murphy.(Abaid, Kim) (Entered: 10/04/2005)
10/06/2005		Judge Judith G. Dein : ElectronicORDER entered granting <u>19</u> Petitioner's Assented-To Motion for Extension of Time to 10/11/05 to File Reply Memorandum. (Dambrosio, Jolyne) (Entered: 10/06/2005)
10/12/2005	<u>20</u>	Assented To MOTION to Accept Petitioner's Reply as Timely Filed by John Derek Murphy.(Abaid, Kim) (Entered: 10/12/2005)
10/12/2005	<u>21</u>	Reply by John Derek Murphy to <u>17</u> Memorandum of Law. (Abaid, Kim) (Entered: 10/12/2005)

10/14/2005	●	Judge Judith G. Dein : Electronic ORDER entered granting <u>20</u> Petitioner's Assented To Motion to Accept Reply as Timely Filed. (Dambrosio, Jolyn) (Entered: 10/14/2005)
05/08/2006	● <u>22</u>	Letter re: Request for Docket from John D. Murphy. (Abaid, Kim) (Entered: 05/08/2006)
05/08/2006	●	DOCKET SHEET sent to John D. Murphy. (Abaid, Kim) (Entered: 05/08/2006)
04/27/2007	● <u>23</u>	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re <u>1</u> Petition for writ of habeas corpus (28:2254) filed by John Derek Murphy. Recommendation: that the Petition be denied. Objections to R&R due by 5/11/2007. (Dambrosio, Jolyne) (Entered: 04/27/2007)
04/27/2007	●	Case no longer referred to Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 04/27/2007)
05/02/2007	● <u>24</u>	MOTION for Extension of Time to June 5, 2007 to File Objections to the Report and Recommendations by John Derek Murphy.(Abaid, Kimberly) (Entered: 05/03/2007)
05/03/2007	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>24</u> Motion for Extension of Time Objections to R&R due by 6/5/2007 (Abaid, Kimberly) (Entered: 05/03/2007)
06/05/2007	● <u>25</u>	OBJECTION to <u>23</u> Report and Recommendations filed by John Derek Murphy. (Lehman, Angela) (Entered: 06/05/2007)
06/28/2007	● <u>26</u>	Judge Joseph L. Tauro : ORDER entered. <u>23</u> Report and Recommendation is ACCEPTED AND ADOPTED. <u>1</u> Petition for Writ of Habeas Corpus is DENIED. (Abaid, Kimberly) (Entered: 06/29/2007)
07/12/2007	● <u>27</u>	NOTICE OF APPEAL as to <u>26</u> Order Adopting Report and Recommendations by John Derek Murphy NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/1/2007. (Lehman, Angela) (Entered: 07/12/2007)
07/24/2007	● <u>28</u>	First MOTION to Continue Filing COA to 9/21/07 by John Derek Murphy.(Lehman, Angela) (Entered: 07/24/2007)
07/24/2007	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>28</u> Motion for Permission to File Certificate of Appealability on or Before September 21, 2007. (Abaid, Kimberly) (Entered: 07/25/2007)